

12/07/01

JC682 U.S. PTO

12-10-01

A

UTILITY PATENT APPLICATION TRANSMITTAL

Submit an original and a duplicate for fee processing
(Only for new nonprovisional applications under 37 CFR 1.53(b))

J1046 U.S. PTO

10/008721

12/07/01

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Attorney Docket No. 98,723-E1

First Named Inventor Juan Saus

Express Mail No. EJ281346901US

APPLICATION ELEMENTS

1. ☒ Transmittal Form with Fee
2. ☒ Specification (including claims and abstract) [Total Pages 55]
3. ☒ Drawings [Total Sheets 10]
4. ☐ Oath or Declaration [Total Pages]
 - a. ☐ Newly executed
 - b. ☐ Copy from prior application
[Note Boxes 5 and 18 below]
 - i. ☐ Deletion of Inventor(s) Signed statement attached deleting inventor(s) named in the prior application
5. ☐ Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Code Listing (See 1.96)
 - a. ☐ Microfiche Appendix
 - b. ☐ CD-Rom (in duplicate, with separate transmittal)
7. ☒ Nucleotide and/or Amino Acid Sequence Submission
 - a. ☒ Computer Readable Copy
 - b. ☒ Paper Copy
 - c. ☒ Statement verifying above copies
8. ☒ Small Entity Status
 - ☒ is claimed
 - ☐ Statement filed in prior application; status still proper and desired
 - ☐ is no longer claimed.

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers
10. ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)
 - ☐ PTO-1449 Form
 - ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
16. ☐ A Request for non-publication pursuant to 35 U.S.C. § 122(b)(2)(B)(i)
17. ☐ Other:

18. ☐ This is a CONTINUING APPLICATION. Please note the following:

- a. ☐ This is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part of prior application
- b. ☐ Cancel in this application original claims of the prior application before calculating the filing fee. (At least one claim must remain.)
- c. ☐ Amend the specification by inserting before the first line the sentence:
This is a ☐ continuation ☐ divisional ☐ continuation-in-part of application Serial No.
- d. ☐ The prior application is assigned of record to

UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 98,723-E

APPLICATION FEES

| | | | | |
|---|--------------|--------------|-----------|------------|
| BASIC FEE | | | | \$ 740.00 |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | |
| Total Claims | 23 -20= | 3 | x \$18.00 | \$ 54.00 |
| Independent Claims | 2 - 3= | 0 | x \$84.00 | \$ |
| <input type="checkbox"/> Multiple Dependent Claims(s) if applicable | | | +\$280.00 | \$ |
| Total of above calculations = | | | | \$ 794.00 |
| Reduction by 50% for filing by small entity = | | | | \$(397.00) |
| <input type="checkbox"/> Assignment fee if applicable | | | + \$40.00 | \$ |
| TOTAL = | | | | \$ 397.00 |

19. ☐ Please charge my Deposit Account No. 13-2490 in the amount of \$20. ☒ A check in the amount of \$379.00 is enclosed.

21. The Commissioner is hereby authorized to credit overpayments or charge any additional fees of the following types to Deposit Account No. 13-2490:

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☒ Fees required under 37 CFR 1.18.

22. The Commissioner is hereby generally authorized under 37 CFR 1.136(a)(3) to treat any future reply in this or any related application filed pursuant to 37 CFR 1.53 requiring an extension of time as incorporating a request therefor, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 13-2490 for any fee that may be due in connection with such a request for an extension of time.

23. CERTIFICATE OF MAILING

I hereby certify that, under 37 CFR § 1.10, I directed that the correspondence identified above be deposited with the United States Postal Service as "Express Mail Post Office to Addressee," addressed to the Asst. Commissioner for Patents, Box Patent Application, Washington, DC 20231, on the date indicated below.

24. USPTO CUSTOMER NUMBER



20306

PATENT TRADEMARK OFFICE

McDonnell Boehnen Hulbert & Berghoff

25. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | |
|-----------|-----------------|
| Name | David S. Harper |
| Reg. No. | 42,636 |
| Signature | |
| Date | 12/17/01 |

UTIL (Rev. 11/21/00)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98,723-E1)

| | | |
|---|---|---------------------------------|
| In re Application of: |) | |
| |) | |
| Juan Saus |) | |
| |) | Art Unit: To be assigned |
| Serial No.: To be assigned |) | |
| |) | Examiner: To be assigned |
| Filed: Herewith |) | |
| |) | |
| For: TNF-Inducible Promoters And Methods |) | |
| For Using |) | |

Asst. Commissioner for Patents
Washington, D.C. 20231

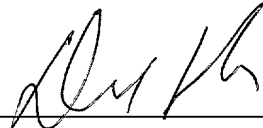
**COMPLIANCE WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Sir,

As required by 37 C.F.R. 1.821 - 1.825, the content of the sequence listing paper copy
and computer readable copy are the same.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

Dated: 12/7/01

By: 
David Harper
Reg. No. 42,636

12/07/01 JC682 U.S. PTO

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98,723-E1)

In re Application of:

Juan Saus

Serial No.: To be Assigned

Filed: Herewith

For: TNF-Inducible Promoters and Methods for Using

Art Unit: To be assigned

Examiner: To be assigned

Asst. Commissioner for Patents
BOX NEW APPLICATION
Washington, D.C. 20231

TRANSMITTAL LETTER

Sir:

1. We are transmitting herewith the attached papers for the above-identified new patent application:

2.

- ☒ Utility Patent Application Transmittal (in Duplicate) (2 sheets);
- ☒ Patent Specification (55 pages)
- ☒ Drawings (10 pages)
- ☒ Sequence Listing Compliance Statement under 37 C.F.R. 1.821 – 1.825 (1 page)
- ☒ Return Receipt Postcard

2. ☒ A check in the amount of \$379.00 is enclosed for the Small Entity Utility Application Filing Fee.

☐ Please charge the total filing fee of \$0.00 to our Deposit Account No. 13-2490.
A duplicate copy of this sheet is enclosed.

3. **CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR § 1.10:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, Box NEW APPLICATION, on this 7th day of **December, 2001**. Express Mail No. **EJ281346901US**.

By: 